

## REMARKS

Upon entry of the foregoing amendment, claims 1-23 are currently pending with claims 1, 18, and 23 being the independent claims. Claim 1 has been amended to more clearly point out and distinctly claim the subject matter. New claims 14-23 have been added. Descriptive support for the amendment and the new claims is found in the specification as filed. The amendment is believed to introduce no new matter, and its entry is respectfully requested.

Claims 1 and 8-12 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Rech et al. (U.S. Patent No. 6,012,174). Claims 1-7 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Neppell (U.S. Patent No. 1,418,198). Claim 1 stands rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Bacon (U.S. Patent No. 2,497,527). Claim 13 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Rech et al. in view of Mahn, Jr. (U.S. Patent No. 5,665,458). Applicants respectfully traverse these rejections.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

### CLAIMS 1 AND 8-12 ARE PATENTABLE OVER THE REJECTION UNDER 35 U.S.C. § 102:

Examiner has rejected claims 1 and 8-12 under 35 U.S.C. §102(b) as being allegedly anticipated by Rech et al. In response, Applicant requests that the Examiner reconsider and withdraw the rejection in view of the following.

Upon entry of the above amendment, claim 1 now includes the elements “a separate top member,” “a separate body member,” and “a separate bottom member.” Although the specification clearly indicated the separate nature of the claimed top, bottom, and body members, the Applicants have amended claim 1 to more clearly claim and distinctly point out the invention. As a single molded element, the novelty hat of Rech et al. clearly fails, inter alia, to teach or even fairly suggest a top member, a body member, and a bottom member, which are separate pieces, substantially planar, and are connectable to form a novelty hat in the shape of an automobile.

As Figures 1-3 show, Rech et al. teaches a molded foam novelty hat comprising only one single piece of formed foam instead of including “a separate top member,” “a separate body member,” and “a separate bottom member.” Further, the single piece of foam is not “substantially planar” as recited in claim 1. Rather, the novelty hat of Rech et al. is heavily contoured single piece of foam having few flat surfaces, making detailed printing on the novelty hat very difficult.

Therefore, Rech et al. fails, inter alia, to disclose each and every element of the independent claim 1. In view of the above, Applicants request the reconsideration and withdrawal the rejection of claim 1 under 35 U.S.C. §102(b). Applicants believe that claim 1 is now allowable.

Applicants submit that claims 8-12 are also now allowable. As dependent claims inherently include all the elements from claims from which they depend, the dependent claims 8-12 should also be allowable as being dependent from allowable claim 1.

CLAIMS 1-7 ARE PATENTABLE OVER THE REJECTION UNDER 35 U.S.C. § 102:

Examiner has rejected claims 1-7 under 35 U.S.C. §102(b) as being allegedly anticipated by Neppell. In response, Applicant requests that the Examiner reconsider and withdraw the rejection in view of the following.

Upon entry of the above amendment, claim 1 now includes the recitation that “said top member is connectable to said body member and said body member is connectable to said bottom member to form said novelty hat in the shape of said automobile.” As with Rech et al., Neppell also clearly fails, inter alia, to teach or even fairly suggest a separate top member, a separate body member, and a separate bottom member, which are connectable to form a novelty hat in the shape of an automobile.

As shown in Figures 1-4, Neppell teaches two pieces that may be assembled to form a hat. Neppell clearly fails, with the two circular pieces shown in Figure 2 and 3, to teach a top member, a body member, and a bottom member, which are separate pieces and are connectable to form a novelty hat in the shape of an automobile. Neppell is clearly missing a body member as recited in claim 1. Neppell does teach a hat formed from two flat oval shaped pieces, which, when assembled, clearly resembles a traditional shaped hat. Although, it is unclear to the

Applicants now Neppell, as alleged by the Examiner, teaches the shape of a vehicle, Applicants now submit that Neppell clearly fails to teach a novelty hat shaped as an automobile, as presently recited upon entry of the above amendment.

Therefore, Neppell fails, inter alia, to disclose each and every element of the independent claim 1. In view of the above, Applicants request the reconsideration and withdrawal the rejection of claim 1 under 35 U.S.C. §102(b). Applicants believe that claim 1 is now allowable.

Applicants submit that claims 2-7 are also now allowable. As dependent claims inherently include all the elements from claims from which they depend, the dependent claims 2-7 should also be allowable as being dependent from allowable claim 1.

CLAIM 1 IS PATENTABLE OVER THE REJECTION UNDER 35 U.S.C. § 102:

Examiner has rejected claim 1 under 35 U.S.C. §102(b) as being allegedly anticipated by Bacon. In response, Applicant requests that the Examiner reconsider and withdraw the rejection in view of the following.

Upon entry of the above amendment, claim 1 now includes the recitation that “said top member is connectable to said body member and said body member is connectable to said bottom member to form said novelty hat in the shape of said automobile.” As with Rech et al. and Neppell, Bacon also clearly fails, inter alia, to teach or even fairly suggest a separate top member, a separate body member, and a separate bottom member, which are connectable to form a novelty hat in the shape of an automobile.

As shown in Figure 1, Bacon clearly teaches an airplane shaped novelty hat that fails to teach or even fairly suggest a novelty hat shaped as an automobile. Bacon also fails to teach a top member, a body member, and a bottom member, which are separate pieces and are connectable to form a novelty hat in the shape of an automobile. Bacon teaches one large body member (element 10, Figures 1 and 2) folded to form the top and body of an aircraft with straps to receive the head of an individual. Bacon clearly fails to teach or even fairly suggest each of the separate top member, the separate bottom member and the separate body member which are connectable to form a novelty hat in the shape of an automobile.

Therefore, Bacon fails, inter alia, to disclose each and every element of the independent claim 1. In view of the above, Applicants request the reconsideration and withdrawal the rejection of claim 1 under 35 U.S.C. §102(b). Applicants believe that claim 1 is now allowable.

CLAIM 13 IS PATENTABLE OVER THE REJECTION UNDER 35 U.S.C. § 103(a):

Claim 13 has been rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Rech et al. in view of Mahn, Jr. Applicants request that the Examiner reconsider and withdraw the above rejection of the claims in view of the following.

As discussed above, Rech et al. fails, inter alia, to teach or even fairly suggest each and every element of claim 1. Mahn, Jr. also clearly fails to disclose the recitation of claim 1 that “said top member, said body member, and said bottom member are separate pieces such that said top member is connectable to said body member and said body member is connectable to said bottom member to form said novelty hat in the shape of said automobile.” As such, Rech et al. and Mahn, Jr., alone or in combination, fail to teach or render obvious the invention as presently claimed in the independent claims.

Furthermore, Mahn, Jr. also fails to disclose the cloth laminate as recited in claim 13. Mahn, Jr. teaches applying a thermoplastic or thermoset material to a substrate. Mahn, Jr. does mention that the substrate is a cloth, such as a shirt or a sports jersey. However, Mahn, Jr. completely fails to disclose applying a cloth laminate to a foam layer as recited by claim 12 and dependent claim 13. Although cloth is used as a substrate in Mahn, Jr., there is no teaching in Mahn, Jr. or in Rech et al. that the cloth substrate is a laminate surface on a foam layer.

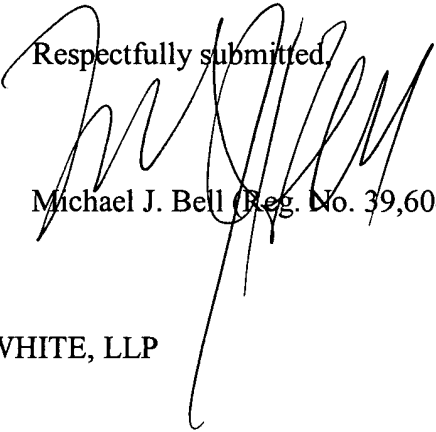
Therefore, Rech et al. in view of Mahn, Jr. fails, inter alia, to disclose or render obvious each and every element of claim 13. In view of the above, Applicants request the reconsideration and withdrawal the rejection of claim 13 under 35 U.S.C. §103(a). Applicants believe that claim 13 is now allowable.

## CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

  
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